

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF	)	8:06CV580
	)	
APARTMENTS AT TIMBER RIDGE, L.P.,	)	BK05-82135
a/k/a Tiber Ridge Apartments,	)	
	)	
Debtor.	)	

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IN THE MATTER OF	)	8:06CV582
	)	
ARBORS SS, L.P.	)	BK04-83569
	)	
Debtor.	)	

## ORDER

This matter is before the court following a hearing to determine whether Mr. Richard Wagner should be held in contempt of court. The court listened to argument of counsel, heard the testimony of Tom Monteith, CPA, and received Exhibit 1, the 2005 Timber Ridge federal and state tax returns; Exhibit 2, the 2004 Timber Ridge and Arbors SS state and federal tax returns and the Nebraska Investment Financial Returns (NIFA); and Exhibit 3, a letter dated October 16, 2006, from a physician's assistant indicating that Mr. Wagner had sinusitis last week and could not travel. The 2005 tax returns for Arbors SS have not been completed, as important and relevant information has not been given to Mr. Monteith. As a result of the hearing, the court rules as follows:

1. Kathryn Derr, counsel for Richard Wagner, shall on this date contact the United States Trustee, Thomas D. Stalnaker, and ask that he provide Tom Monteith with any and all information, including but not limited to information for balance sheets, income statements, and NIFA records, needed by Mr. Monteith to prepare and complete the 2005 Arbors SS tax returns.
2. Kathryn Derr, counsel for Richard Wagner, shall confer with Mr. Wagner on this date and determine if he has any information that would be relevant to the 2005 Arbor SS

tax returns. Mr. Wagner shall immediately provide, through Ms. Derr, any and all information, including but not limited to information for balance sheets, income statements, and NIFA records, needed by Mr. Monteith to prepare and complete the 2005 Arbors SS tax returns.

3. Counsel for both parties shall furnish the court with a status report on or before the close of business on **Friday, November, 3, 2006**, advising the court what information has been provided, by whom the information has been provided, to whom the information has been provided, the completeness of the information provided, and any other information relevant to this order.

4. The United States Trustee, Thomas Stalnaker, shall likewise file a status report outlining the information he has supplied, to whom it has been supplied, when it was supplied, and any other relevant information. Such status report shall be filed with the court on or before the close of business on Friday, November 3, 2006.

5. The warrant previously entered in this case, Filing No. 10, is hereby lifted.

6. The court will take under advisement whether Mr. Wagner will be found in contempt of court and will make a ruling regarding the same after Friday, November 3, 2006.

SO ORDERED.

DATED this 17<sup>th</sup> day of October, 2006.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge